

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-43-E

IN RE:

Application of Dominion Energy South)
Carolina, Incorporated for a Certificate of)
Environmental Compatibility and Public)
Convenience and Necessity for the)
Construction and Operation of the of the)
Toolebeck - Aiken 230 kV Tie and)
Segments of the Graniteville #2 -)
Toolebeck 230 kV and Toolebeck - South)
Augusta 230 kV Tie, and Associated)
Facilities.)
_____)

**JOINT MOTION FOR EXPEDITED
REVIEW AND DISPOSITION
WITHOUT A HEARING**

Pursuant to S.C. Code Ann. Regs. 103-829 and other applicable rules of practice and procedure of the Public Service Commission of South Carolina (“Commission”), Dominion Energy South Carolina, Inc. (“DESC” or “Company”) and the South Carolina Office of Regulatory Staff (“ORS”) (together, the “Parties”) hereby jointly move that the Commission perform an expedited review of the Company’s Application for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of the Toolebeck - Aiken 230 kV Tie and Segments of the Graniteville #2 - Toolebeck 230 kV and Toolebeck - South Augusta 230 kV Tie, and Associated Facilities (“Application”) in the above-referenced docket and approve the provisions of the Parties’ Stipulation and grant the relief requested in the Company’s Application. The Parties further move that the Commission admit the Company’s Application, the pre-filed testimony of DESC and ORS, and the Stipulation between the Parties into the record and use its discretionary authority to informally dispose of the

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proceeding without holding a formal hearing. In support of the joint motion, the Parties would show the following:

1. As described in detail in the Application, DESC seeks a Certificate of Environmental Compatibility and Public Convenience and Necessity ("Certificate") to construct and operate the Toolebeck - Aiken 230 kV Tie and Segments of the Graniteville #2 - Toolebeck 230 kV and Toolebeck - South Augusta 230 kV Tie, and Associated Facilities (collectively, the "Lines") in Aiken County, South Carolina.

2. On February 10, 2020, the Commission scheduled a hearing on the Application for Tuesday, April 14, 2020, and issued a Notice of Filing and Hearing and Prefile Testimony Deadlines ("Notice").

3. In compliance with the Commission's directions, DESC published the Notice in newspapers of general circulation in the affected areas by February 18, 2018. The deadline for filing petitions to intervene in the proceeding was March 3, 2020. No comments or petitions to intervene have been filed. The ORS, the South Carolina Department of Health and Environmental Control, the South Carolina Department of Natural Resources, and the South Carolina Department of Parks, Recreation, and Tourism (without ORS, "Other Parties of Record") are parties pursuant to statute.

4. On March 3, 2020, DESC filed the direct testimony and exhibits of R. Scott Parker and Nathan V. Bass, PLA. Verifications of their testimony and exhibits are attached hereto.

5. On March 17, 2020, ORS filed the direct testimony of Brandon S. Bickley. A verification of his testimony is attached hereto.

6. The ORS contacted the Other Parties of Record regarding their participation and comments related to the Company's Application.

7. On even date herewith, the Parties filed a stipulation ("Stipulation") in which they agreed to stipulate into the record before the Commission the direct testimonies and exhibits of Mr. Parker, Mr. Bass, and Mr. Bickley. The Parties further agreed that ORS will recommend that the Commission approve DESC's Application and grant DESC a Certificate for the Toolebeck - Aiken 230 kV Tie and Segments of the Graniteville #2 - Toolebeck 230 kV and Toolebeck - South Augusta 230 kV Tie, and Associated Facilities, as requested in the Application; that DESC agrees to notify ORS and the Commission once all necessary rights-of-way of the affected landowners are secured and provide proof that such rights have been obtained; that DESC agrees to follow all South Carolina, Commission and local government regulations and laws arising from matters set forth in the Application; and that DESC will notify ORS and the Commission when the facilities begin commercial operation and of any changes to the planned commercial operation dates.

8. The ORS provided the Other Parties of Record the opportunity to review the Stipulation.

9. On March 13, 2020, Governor Henry McMaster issued Executive Order 2020-08, which, among other things, declared a State of Emergency in South Carolina based on a determination that the 2019 Novel Coronavirus ("COVID-19") "poses an actual or imminent public health emergency for the State of South Carolina." And, in Executive Order 2020-13, dated March 23, 2020, Governor McMaster declared that "the State must promote and facilitate effective 'social distancing' practices" to address the significant public health, economic, and

other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina.

10. DESC is currently scheduled to begin construction of the Lines in mid-July 2020. To support this schedule, DESC plans to request bids from various contractors in May 2020 for labor to support the construction of the Lines. DESC desires an order from the Commission granting the Certificates prior to requesting bids.

ARGUMENT

11. In light of the scheduling challenges presented by the COVID-19 pandemic and the desire for DESC to begin requesting bids for construction, DESC and ORS seek expedited review of the Application on the grounds that (1) the S.C. Administrative Procedures Act (“APA”) grants the Commission flexibility regarding hearings in contested matters; (2) notice and the opportunity to present written evidence is sufficient to provide procedural due process protection; and (3) due process requirements are satisfied if the Parties waive the right to a hearing when there is no disputed material issue of fact.

12. Administrative agencies in South Carolina “are required to meet minimum standards of due process. Due process is flexible and calls for such procedural protections as the particular situation demands.” Stono River Envtl. Prot. Assoc. v. S.C. Dept. of Health and Envtl. Control, 305 S.C. 90, 93-94, 406 S.E.2d 340, 342 (1992) (citations and quotations omitted).

13. The APA provides that “[i]n a contested case, all parties must be afforded an opportunity for hearing after notice not less than thirty days . . .” S.C. Code Ann. § 1-23-320(A). The provisions of the APA ensure that procedural due process requirements are satisfied. The APA also provides some flexibility to agencies regarding hearings for contested cases in that

“[u]nless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.” S.C. Code Ann. § 1-23-320(F).

14. DESC published the Notice as required by the Commission. Therefore, notice and an opportunity for a hearing have been provided. No other parties have intervened in the docket or filed comments or testimony in this docket. The Other Parties of Record have been provided the opportunity to review the Company’s Application and the Stipulation. As such, the Parties respectfully requests that the Commission dispose of the proceeding without requiring a formal hearing.

15. The Parties are requesting that the hearing requirement be waived. “Parties to administrative proceedings may . . . waive their rights to administrative hearings and formal dispositions.” 2 Am. Jur.2d *Administrative Law* § 293.

16. Agencies may dispense with hearing where there is no genuine dispute as to a material issue of fact. 2 Am. Jur.2d *Administrative Law* § 290. Here, the Parties have entered into the Stipulation, and there are no intervenors opposing the Application. Therefore, there is no material issue of fact to be decided at a formal hearing.

17. In addition to the Stipulation, DESC has presented information on the proposed Lines in the Application and the verified direct testimonies and exhibits of Mr. Parker and Mr. Bass, and the ORS has presented its support for the Company’s Application in the verified direct testimony of Mr. Bickley. Based on the foregoing, and in light of events surrounding COVID-19 pandemic, the Parties assert that a full evidentiary hearing on the Application is unnecessary.

WHEREFORE, the Parties respectfully requests that the Commission (i) perform an expedited review of the Company’s Application in the above-referenced docket; (ii) admit the Company’s Application, the pre-filed testimony of DESC and ORS, and the Stipulation between

the Parties into the record; (iii) exercise its discretion to informally dispose of the proceeding without holding a formal hearing; and (iv) approve the provisions of the Parties' Stipulation and grant the relief requested in the Company's Application, i.e., issue a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Lines.

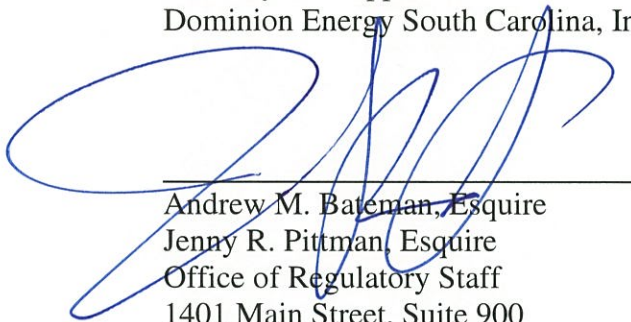
[SIGNATURE PAGE FOLLOWING]

Respectfully submitted,



K. Chad Burgess, Esquire
Matthew W. Gissendanner, Esquire
Mail Code C222
220 Operation Way
Cayce, South Carolina 29033
Telephone: 803-217-8141 (Burgess)
Telephone: 803-217-5359 (Gissendanner)
Facsimile: 803-217-7810
kenneth.burgess@dominionenergy.com
matthew.gissendanner@dominionenergy.com

Attorneys for Applicant
Dominion Energy South Carolina, Inc.



Andrew M. Bateman, Esquire
Jenny R. Pittman, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
Telephone: 803-737-8440 (Bateman)
Telephone: 803-737-0794 (Pittman)
Facsimile: 803-217-7810
abateman@ors.sc.gov
jpittman@ors.sc.gov

Attorneys for Intervenor
South Carolina Office of Regulatory Staff

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